REMARKS

In the June 6, 2005 Office Action, claims 1-20 stand rejected in view of prior art. Claim 8 was rejected for failing to comply with the enablement requirement.

Status of Claims and Amendments

In response to the June 6, 2005 Office Action, Applicant has amended the specification and claim 8 as indicated above. Thus, claims 1-20 are pending, with claims 1 and 10 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Specification

In paragraph 2 of the Office Action, the priority claim was objected to for failure to provide reference to the parent application. In response, Applicant has amended the specification by replacing paragraph [0001] with a rewritten paragraph that includes the serial number of the parent application and its current status.

Claim Rejections - 35 U.S.C. §112

In paragraph 4 of the Office Action, claim 8 was rejected under 35 U.S.C. §112, first paragraph. In response, Applicant has amended claim 8.

Specifically, claim 8 now recites that the rear cleat engagement surface is radially spaced from the second pivot axis by a second lever distance that is larger than the first lever distance.

Applicant believes that the claims now comply with 35 U.S.C. §112, first and second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraph 6 of the Office Action, claims 1-7 and 9-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,868,043 to Ueda (Ueda). In response, Applicant respectfully traverses the rejection because Ueda fails to teach the combination of features recited in the claims.

In particular, independent claim 1 recites, among other features, that a bicycle pedal has a front clamping member with a front cleat stop surface that is spaced forwardly from the center rotational axis of the pedal shaft by a first offset distance measured perpendicular to the front cleat stop surface and a rear clamping member with a rear cleat stop surface spaced rearwardly from the center rotational axis of the pedal shaft by a second offset distance measured perpendicular to the rear cleat stop surface, the second offset distance being smaller than the first offset distance.

This structure is ***not*** disclosed or suggested by the Ueda reference or any other prior art of record.

The description provided in Ueda is silent with regard to distances between the various surfaces and the center rotational axis of the pedal. Therefore, the drawings are relied upon in order to discern the features in question.

The Office Action relies on several structural relationships that are allegedly shown in Figure 3 of Ueda. However, the disclosure of Figure 3 of Ueda is ambiguous in that the structural relationships relied on in the rejection are not clearly shown and/or identified in Figure 3, thereby failing to support the rejection. For example, the center rotational axis of

the pedal is not shown or indicated in Figure 3 making measurement of relative distances impossible. Further, the structure and relationships therebetween attributed to Figure 3 of Ueda in the Office Action are contradicted by structure clearly depicted in Figures 1 and 2 of Ueda.

Figures 1 and 2 of the Ueda reference clearly shows an intermediate member 44C that includes a front cleat stop surface, the top wall 38 that includes a rear cleat stop surface and the axle 52 that defines a central axis of the pedal. The intermediate member 44C of Ueda is described at column 3 lines 33-34 and is also shown in Figures 1 and 2. The front cleat stop surface is defined on the intermediate member 44C because it restricts forward motion of a cleat relative to the pedal. The top wall 38 of Ueda is described at column 3 lines 34-35 and is also shown in Figures 1 and 2. The rear cleat stop surface is defined on the top wall 38 because it restricts rearward motion of the cleat relative to the pedal.

Figure 2 of Ueda is reproduced below. Applicant has used Figure 2 instead of Figure 1 because the cleat of a shoe shown is removed in Figure 2 making the features at issue easier to identify. Applicant has superimposed on Figure 2 text to indicate the locations of the front cleat stop surface and the rear cleat stop surface. As well, a center rotational axis has been added in a dash-dot-dash line centered on the axle 52 of Ueda. Last, Applicant has superimposed a first offset distance $D_{Center\text{-}Front}$ between the center rotational axis and the front cleat stop surface, and a second offset distance $D_{Center\text{-}Rear}$ the center rotational axis and the rear cleat stop surface on the right hand side of Figure 2.

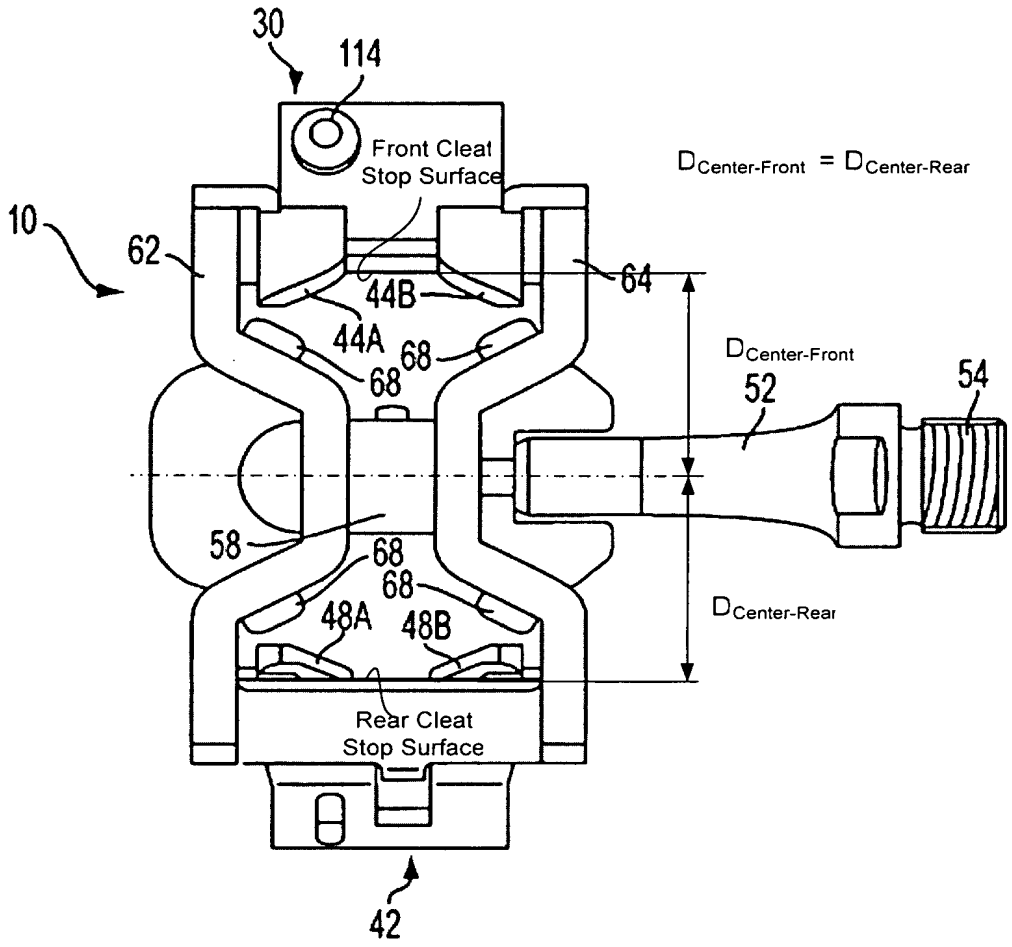

FIG. 2

A simple measurement between the center rotational axis and the front cleat stop surface, and the center rotational axis and the rear cleat stop surface shown in Figure 2 of Ueda clearly demonstrates that the offset distance $D_{Center-Front}$ is same as the offset distance $D_{Center-Rear}$. Clearly, the relationships shown in Figure 2 of Ueda do not show a first offset distance measured between the front cleat stop surface and a center rotational axis and a second offset distance measured perpendicular to the rear cleat stop surface, with the second offset distance being smaller than the first offset distance, as recited in claim 1. Rather, in

Ueda the offset distances are generally the same. For this reason and others, Applicant respectfully asserts that claim 1 distinguishes the invention over the prior art and is therefore allowable.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 2-9 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-9 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Independent claim 10 recites a bicycle pedal that includes a pedal shaft having a center rotational axis and a pedal body rotatably coupled to the pedal shaft about the center rotational axis of the pedal shaft. The pedal body has a first end and a second end with a center plane extending between the first and second ends and passing through the center rotational axis of the pedal shaft. A front clamping member is pivotally coupled to the first end of the pedal body about a first pivot axis to pivot in a generally forward direction, the front clamping member having a front cleat engagement surface facing towards the center plane of the pedal body, the front cleat engagement surface being radially spaced from the first pivot axis by a first lever distance. A rear clamping member is pivotally coupled to the second end of the pedal body about a second pivot axis to pivot in a generally rearward

direction, the rear clamping member having a rear cleat engagement surface facing towards the center plane of the pedal body. The rear cleat engagement surface is radially spaced from the second pivot axis by a second lever distance that is larger than the first lever distance.

Contrary to the broad characterization in the Office Action, this structure is ***not*** disclosed or suggested by the Ueda reference or any other prior art of record. The description provided in Ueda is silent with regard to distances between the various surfaces and the first and second pivot axis of the pedal. Therefore, the rejection relies on Figure 3 which does not show the technical features in question.

Figure 3 of Ueda is ambiguous in that the structural relationships relied on to support the rejection are neither shown nor indicated in Figure 3, thus making the rejection improper. Further, the relationships attributed to Figure 3 of Ueda in the Office Action are contradicted by the structural relationships clearly depicted in Figure 15 of Ueda.

Figure 15 of the Ueda reference clearly shows relative distances between a front cleat engagement surface and a first pivot axis, and a rear cleat engagement surface and a second pivot axis. These distances represent the lever distances between these features. In Ueda, these lever distances are generally the same, as demonstrated below.

Applicant has provided Figure 15 below and has superimposed on Figure 15 text to provide an indication of corresponding locations for the front cleat engagement surface and the rear cleat engagement surface. Further, as set forth at column 4, lines 38-40 and shown in Figure 14, the pivot axis 99 extends through the center of the coil spring 136. Applicant has added a cross-hair to Figure 15 to indicate the location of the center of the pivot axis 99. Applicant also notes that at column 3 lines 53-65, Ueda states that the front cleat clamping component 30 and the rear cleat clamping component 42 are the same and are symmetrical with respect to the pedal 10 and the axle 52. Therefore, the distance between the front cleat

engagement surface and the pivot axis of the front cleat clamping component 30 is structurally and dimensionally the same as the distance between the front cleat engagement surface and the pivot axis of the rear cleat clamping component 42.

A simple measurement of the distance between the front cleat engagement surface and the pivot axis in Figure 15, and a simple measurement of the rear cleat engagement surface and the pivot axis corresponds to both front and rear lever distances (first and second lever distances) reveals that the first and second lever distances in Ueda are the same.

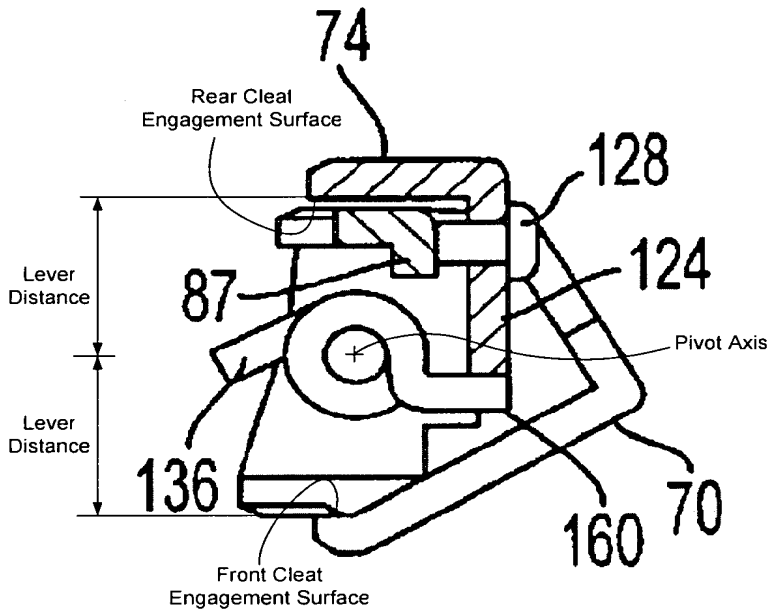

FIG. 15

Clearly, Ueda fails to disclose or suggest the differing lever distances recited in Claim 10.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore,

Applicant respectfully submits that claim 10, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 11-20 are also allowable over the prior art of record in that they depend from independent claim 10, and therefore are allowable for the reasons stated above. Also, the dependent claims 11-20 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 10, neither does the prior art anticipate the dependent claims.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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